

COEUR D'ALENE, MONDAY, APRIL 30, 2012, AT 8:50 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

TIFFANY ANN MARIE FRAGNELLA,)
deceased, and the ESTATE OF TIFFANY ANN)
MARIE FRAGNELLA,)

Plaintiff-Appellant,)
v.)

ROBERT B. PETROVICH, individually, d/b/a)
PETROVICH TRUCKING, INC., and)
INTERSTATE EQUIPMENT LEASING, INC.,)
SWIFT TRANSPORTATION, INC., and JOHN)
and JANE DOE,)

Defendants-Respondents.)

-----)
NICOLE A. PLOUFFE,)

Plaintiff-Appellant,)
v.)

ROBERT B. PETROVICH, JR., and JANE)
DOE PETROVICH, husband and wife, d/b/a)
PETROVICH TRUCKING, INC.,)
INTERSTATE EQUIPMENT LEASING, INC.,)
SWIFT TRANSPORTATION COPORATION,)
a Nevada corporation, and SWIFT)
TRANSPORTATION CO., INC., an Arizona)
corporation,)

Defendants-Respondents.)

-----)
THOMAS THAYER,)

Plaintiff-Appellant,)
v.)

ROBERT B. PETROVICH, JR., and JANE)
DOE PETROVICH, husband and wife, d/b/a)
PETROVICH TRUCKING, INC.,)

Defendants-Respondents.)

Docket No. 37783

Appeal from the district court of the Second Judicial District, State of
Idaho, Nez Perce County. Hon. Carl B. Kerrick, District Judge.

Aherin, Rice & Anegon, Lewiston, for appellants.

Ramsden & Lyons, LLP, Coeur d'Alene, for respondents.

This appeal involves the consolidation of two personal injury actions and one wrongful death action arising out of an automobile accident. On December 5, 2007, Paul Ruggiero-Smith's vehicle collided with a semi-tractor trailer driven by Robert Petrovich. Nicole Plouffe and Tiffany Ann Marie Fragnella were both passengers in Smith's vehicle. Plouffe was severely injured and Fragnella died as a result of her injuries. At the time of the accident, Petrovich was driving the semi-truck in the course and scope of his employment with Swift Transportation and was training a Swift Transportation employee in driving skills. The Swift Transportation trainee, Thomas Thayer, was a passenger in the semi-truck at the time of the collision. Thayer was covered under Swift Transportation's workers' compensation insurance.

Appellants' Amended Complaint alleged that Petrovich was negligently driving the semi-truck. The district court granted summary judgment in favor of the Respondents, finding that there was no evidence to support that the accident was caused by Petrovich. The district court also concluded that Thayer's third party claim for negligence against Petrovich was separately barred by the exclusive remedy rule under Idaho's Workers' Compensation statutes. Appellants appeal to this Court arguing that the district court erred in granting summary judgment, that the court abused its discretion in denying the Motion for Reconsideration, and that the court erred in determining that the exclusive remedy rule barred Thayer's claims against Petrovich.

COEUR D'ALENE, MONDAY, APRIL 30, 2012 AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

KARLETTA GRACE BERRY, a widow,)	
KARLETTA GRACE BERRY, personal)	
representative of the ESTATE OF JERRY LEE)	
ROY BERRY, CAPTAIN'S WHEEL RESORT, an)	
Idaho corporation,)	
)	
Plaintiff-Appellant,)	
)	Docket No. 37951
v.)	
)	
MICHAEL B. McFARLAND, MICHAEL B.)	
McFARLAND, P.A., and KAREN ZIMMERMAN,)	
)	
Defendants-Respondents.)	
)	

Appeal from the District Court of the First Judicial District, State of Idaho,
Kootenai County. Hon. Charles W. Hosack, District Judge.

Rex A. Finney, Sandpoint, for appellants.

Michael B. McFarland, Coeur d'Alene, pro se for respondents.

Karletta Berry, as representative of her late husband, Jerry Berry, appeals an order of the district court granting Respondents' motion for a new trial. The motion was granted after a jury awarded Karletta Berry \$380,500.00, finding that McFarland, an attorney, and his fiancé Zimmerman breached fiduciary duties owed to Jerry Berry when they purchased stock in the Captain's Wheel Resort from him for less than fair market value.

COEUR D'ALENE, MONDAY, APRIL 30, 2012 AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

TANNER MICKELSEN,

Plaintiff-Appellant,

v.

BROADWAY FORD, INC.,

Defendant-Respondent,

and

US BANK, NA; USB LEASING, LT.

Defendants.

Docket No. 38111

Appeal from the District Court of the Seventh Judicial District, State of Idaho,
Bonneville County. Hon. Joel E. Tingey, District Judge.

May, Rammell & Thompson, Chtd., Pocatello, for appellant.

Nalder Law Office, P.C., Idaho Falls, for respondent.

This case comes before this Court from the district court's grant of summary judgment against Tanner Mickelsen (Mickelsen) and for Broadway Ford, Inc. (Broadway Ford). Mickelsen, who had leased a truck from Broadway Ford, brought a complaint alleging fraud in the inducement and asking for rescission based on that fraud or, alternatively, on mutual mistake. The district court granted summary judgment to Broadway Ford, finding no genuine issue of material fact. Mickelsen now appeals that decision.